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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,090	05/31/2000	E. Michael Lunsford	25216-808	6893

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/25/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,090

Applicant(s)

LUNSFORD ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

✓ The drawings are objected to because the drawings in Figures 1, 6 and 7 are not clear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 13-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS, USP 6,000,000).

See at least the abstract, line 10 of column 1 to line 26 of column 3, Figures 4-7 and the claims in Hawkins.

With respect to claims 1, Hawkins teaches an apparatus and method for communicating between a first handheld computer and a second computer (see the title, the abstract and Figure 1 of Hawkins), comprising:

Selecting at least a first information item from a first index on the first handheld computer (see Figures 5 and 6),

Signaling the first information item from the first handheld computer to the second handheld computer;

Identifying a second information items on the second handheld computer that corresponds to the first information item (see Figures 5 and 6); and

Synchronizing the second information item with the first information item (see steps 650 and 660 of Figure 6).

From the above, it is clear that Hawkins teaches synchronizing data between a handheld personal computer system and another personal computer system. Hawkins did not specify whether the another personal computer system is handheld or desk top. However, Hawkins did teach that a computer could be handheld because Hawkins' first computer is a handheld one. From the teaching of Hawkins, it would have been obvious to a person of ordinary skill in the art to recognize that data synchronization could be between two computers of handheld type.

With respect to claims 2-7 and 9 -11, how the two files are merged is dependent on the user's preference and is not a patentable subject matter.

With respect to claim 8, prompting a user for a selection is well known in the art.

With respect to claims 13-21, The files being merged in Hawkins are also calendar (see line 42 of column 1 in Hawkins) and address book (see line 28 of column 2).

As to claims 22-47, they do not define above the invention claimed in claims 1-11 and 13-21 and are therefore rejected under Hawkins for the same reasons set forth in the rejection of claims 1-11 and 13-21 above.

Claims 12 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS, USP 6,000,000) in view of Chase (5,974,238).

Hawkins teaches claim combination set forth above. Hawkins' communication link does not appear to be wireless. Wireless communication is well known in the art.

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Chase teaches wireless communication between a handheld computer and a host computer. From the teaching of Chase , it would have been obvious to a person of ordinary skill in the art to provide wireless communication port in the Hawkins' system such that the two computers are able to communicate wirelessly.

A handwritten signature in black ink, appearing to read 'D. Eng', with a stylized, flowing script.

DAVID Y. ENG
PRIMARY EXAMINER